

REMARKS

Claims 1-4 are pending in this application. All of the pending claims are rejected. None of the claims are currently amended. Reconsideration is requested.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Kanai. With regard to the limitation of adjusting transmit power to decrease interference the Office cites column 6, lines 8-23 and column 7, line 48 through column 8, line 5. With regard to the passage at column 6, the paragraph at column 6, lines 24-29 characterizes the passage quoted by the Office as keeping transmission power constant “despite an increase in an interference level.” Similarly, the passage spanning columns 7-8 describes power adjustment based on bit error rate relative to a threshold. In the latter passage there is no mention of interference, and in the former passage Kanai explicitly states that interference is increased. Therefore, the cited passages fail to teach the recited limitation of adjusting transmit power to decrease interference.

With regard to the limitation in claim 1 of the detecting and transmit power reduction logic being executed by the first access point (to decrease interference with the second access point) the Office also cites column 6, lines 8-23 and column 7, line 48 through column 8, line 5. In cellular networks such as describe by Kanai, the term “cell phone” may be used to describe the mobile devices, and the term “base station” may be used to describe the fixed location devices. In a WLAN, “access point” and “station” are sometimes used to describe the fixed location and mobile devices, respectively. WLAN and cellular technology are similar in some ways, and Applicant intends for the term “access point” to include a cellular base station in this application (an analogy implicitly made by the Office in the rejection). In view of this terminology, the Office will please note that while the claims recite transmission power reduction of one fixed location device based on a second fixed location device, Kanai describes power control based on

a relationship between a mobile device based and a fixed location device. See, for example, column 7, lines 61-66, "if the result indicates that the average bit error rate γ is not greater than LV1, the base station (the mobile station) transmits toward the mobile station (the base station) a command for decreasing its transmission power." This is fundamentally different technique than the claimed invention for the reason stated by Kanai at column 6, lines 23-29, i.e., Kanai increases interference between fixed location devices and the claimed invention decreases interference between fixed location devices. Withdrawal of the rejection is therefore requested.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai in view of Dent. Claims 2-4 are dependent claims which are allowable for the same reasons as claim 1. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Withdrawal of the rejections is therefore requested.

This application is now considered to be in condition for allowance and such action is earnestly solicited. Should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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